covenants restricting the use of real property are not favored. *Hutchinson* v. *Ulrich,* 145 Ill. 336, 34 N. E. 556, 21 L. R. A. 391; *Eckhart* v. *Irons,* 128 Ill. 568, 20 N. E. 687. Courts often refuse to enforce such covenants on the ground that there has been such a change in conditions as to defeat the object and purpose of the covenant, and to render it inequitable to deprive the covenantor of the privilege of using his property freely. *Page* v. *Murray,* 46 N. J. Eq. 325, 19 Atl. 11; *Amerman* v. *Dean,* 132 N. Y. 355, 30 N. E. 741, 28 Am. St. Rep. 584; *Columbia College* v. *Thatcher,* 87 N. Y. 311, 41 Am. Rep. 365; *Los Angeles Terminal Land Co.* v. *Muir,* 136 Cal. 36, 68 Pac. 308; *Leonard* v. *Hotel Majestic Co.,* 17 Misc. 229, 40 N. Y. Supp. 1044. It would seem to follow from this doctrine, that where the covenant is not created for the benefit of any other property, and where its breach would not injure the covenantee, there would be even less reason for enforcing it. That such a covenant by the grantee of land may constitute a cloud on the title, removable, as such, by a court of equity, however, is not so clear. A "cloud on title" is usually defined, briefly, to be a title or incumbrance apparently valid, but in fact invalid. The question usually arises in connection with deeds, mortgages, tax assessments, etc. Justice FIELD, in *Pixley* v. *Huggins,* 15 Cal. 127, laid down the test by which the question whether a deed constitutes a cloud on title may be determined, as this: Would the owner of the property, in an action of ejectment brought by the adverse party, founded on the deed, be required to offer evidence to defeat a recovery? It was said in *Dunklin County* v. *Clark,* 51 Mo. 60, that to constitute a cloud on title there must be some color of title shown in the defendant. There appears to be no decided case in which a state of facts which did not in themselves constitute a claim of title or interest inconsistent with the plaintiff's title, or out of which such a claim might not arise, has been held to be a cloud on title. In *Bresler* v. *Pitts,* 58 Mich. 347, 25 N. W. 311, it was held that a right of way created by the owner of the land could not constitute a cloud upon his title, the court saying that nothing can be called a cloud upon a title which is created by the owner of the title, and exists by his own grant. The grant of an easement in that case would seem to be analogous to the covenant in the principal case, since both are, in effect, created by the owner of the title. In the principal case, PATERSON, J., with whom concurred LAUGHLIN, J., rendered a dissenting opinion, basing his dissent on the ground that the power of a court of equity to remove clouds on title does not include the power to expunge a covenant or provision of a valid deed, and to virtually make a new deed, contrary to the agreement of the parties deliberately entered into. The principal case, if correctly decided, at least marks an extension of the powers usually exercised by courts of equity in this regard.

DIVORCE—ALIMONY—DIVORCE GRANTED AGAINST WIFE.—A state statute provides, that when a decree of divorce is granted the court shall make such order touching the alimony of the wife as under the circumstances and nature of the case shall be reasonable. Plaintiff husband had judgment for a divorce and custody of a minor child, but it was decreed that the property should be

divided equally between the parties or that the defendant have judgment for one-half of its value. From this portion of the judgment the plaintiff brings error. *Held,* the court may decree alimony to a wife against whom a divorce is granted. *Ecker* v. *Ecker* (1908), — Okl. —, 98 Pac. 918.

Ordinarily alimony is not allowed unless the decree of divorce is in the wife's favor. 14 Cyc. 767; *Everett* v. *Everett,* 52 Cal. 383; *Shafer* v. *Shafer,* 10 Nebr. 468, 6 N. W. 768; *Harris* v. *Harris,* 31 Gratt. 13; *Spitler* v. *Spitler,* 108 Ill. 120; *Becklenberg* v. *Becklenberg,* 102 Ill. App. 504, where divorce is granted to the husband for habitual drunkenness of the wife he is not bound to pay her alimony. By virtue of statutes similar in nature to the one in the principal case, the courts have held that the power to award alimony is not restricted to those cases in which the wife is the prevailing party, but that the court may grant alimony in the exercise of its discretion, which should be controlled by the circumstances of each case. *Lofvander* v. *Lofvander,* 146 Mich. 370, 109 N. W. 662; *McDonald* v. *McDonald,* 117 Iowa 307, 90 N. W. 603; *Edwards* v. *Edwards,* 84 Ala. 361, 3 South. 896; *Spitler* v. *Spitler,* supra, denied because of gross misconduct on the part of the wife; *Dennis* v. *Dennis,* 79 Ill. 74; *Reavis* v. *Reavis,* 1 Scam. (Ill.) 242; *Cox* v. *Cox,* 25 Ind. 303; *Coon* v. *Coon,* 26 Ind. 189; *Hedrick* v. *Hedrick,* 28 Ind. 291; *Janvrin* v. *Janvrin,* 59 N. H. 23; *Graves* v. *Graves,* 108 Mass. 314. Contra: *McIntire* v. *McIntire,* 80 Mo. 470. The decision in the principal case is seemingly in accord with the weight of authority in jurisdictions where statutes of a similar nature are in force. The court observes in rendering the dicision that while the granting of alimony in a case of this nature is a matter of discretion, it should be exercised with great care, and in no case should it be exercised in favor of a guilty wife when there are no mitigating circumstances. It would seem that the facts of the principal case warranted the exercise of the discretion.

EMINENT DOMAIN—APPROPRIATION OF PROPERTY—STREET RAILWAY ADDITIONAL BURDEN.—The defendant railway company received permission from the municipal authorities of the city of Meridian to construct and operate a street railway on certain streets of that city. The plaintiff was the owner of property abutting on one of the streets upon which defendant had received permission to construct its railway. This street was so narrow, that when a car was in operation, there would be left only six feet two inches between the outer edge of the car and the curb. § 17 of the constitution of Mississippi provides that private property shall not be taken or damaged for public use without compensation first being made to the owner. The plaintiff asks for an injunction to restrain the defendant from operating its cars until she has been compensated for the damage to her property. *Held,* a street railway imposes an additional burden on the street, entitling the abutting owner to additional damages therefor, whether the street is broad or narrow. *Slaughter* v. *Meridian Light & Ry. Co.* (1909), — Miss. —, 48 South. 6.

The doctrine that a street railway is an additional servitude regardless of whether the use is reasonable or unreasonable and excessive, is in conflict